



## **Idaho Council on Industry and the Environment**

### **ICIE's Saturday Summary**

Date: February 16, 2008

*This is a weekly roundup of some of ICIE's activities in and around the Idaho Legislature. Staffing limits mean we can't cover every meeting. If there's an item of interest to you at an upcoming meeting of one of the environment or agriculture committees, let us know and we'll try to cover it. Agendas are available at [www.state.id.us](http://www.state.id.us). Click on "Legislative" and click on "Calendars and agendas."*

### **Senate Resources and Environment Committee, Week of February 11, 2008**

The Senate Resources and Environment Committee endorsed the gubernatorial appointment of Nate Fisher as administrator of the Governor's Office of Species Conservation and held confirmation hearings for Treasure Valley businessmen Tom Long and C. Wayne Hunsucker to the Outfitters and Guides Licensing Board.

On Monday, February 11, 2008, the committee heard testimony from Senator Kate Kelly on a resolution to initiate a dialogue about renewable resources and energy efficiency, preparing our state for greenhouse gas regulations, as well as positioning Idaho to take advantage of new markets related to advancing energy conservation technologies. While Senators Pearce and Cameron admitted to personal biases against the acceptance of global warming as scientific fact, they also questioned why this resolution was not introduced to the interim joint committee on Energy, Environment and Technology. The motion to print the bill passed, however, as well as a bill regarding access to irrigation water proposed by Senator Coiner.

The committee also sent bills to the Senate floor related to grizzly bear damage to private property and depredation from black bears, mountain lions and wolves.

North Idaho adjudication legislation was the focus of Wednesday's meeting, with Senators Keough and Broadsword urging the committee to slow down or stop the adjudication process until their constituents had a chance to study it. Senator Broadsword submitted a petition signed by nearly 500 north Idahoans who, she says, would like to see

adjudication “repealed and reassessed from a grassroots effort,” with a public education campaign and a vote.

North Idaho resident Senator Jim Hammond noted that his Couer d’Alene area constituents do need adjudication. Growing regional cities who share the same water supply, such as nearby Spokane, are placing increasing demands upon limited resources.

He questioned whether canceling the adjudication process would stop it. While the water supply in North Idaho is plentiful now, committee members pointed out that private demand is on the rise. A separate motion to hold the bills in committee was discussed, but ultimately, the series of bills to repeal North Idaho adjudication passed.

On Friday, February 15, the Senate committee heard Senate Bill 1348, which would help mining companies expand operations in Idaho’s Silver Valley. At times mining companies have halted or reduced operations due to low mineral prices. Their water rights have not been used for beneficial purposes. This bill exempts such water rights from forfeiture as long as the water right owner has maintained the property and the mineral rights for potential future mineral development.

Jack Lyman, Idaho Mining Association, presented the basic information on the bill. Then the committee heard more details from attorney Albert Barker. He explained that non-use due to circumstances beyond the control of the water rights owner is covered by Idaho code, but is more specific to agriculture. This legislation would apply the same rights to mining companies.

Justin Hayes, Idaho Conservation League, and Kevin Lewis, Idaho Rivers United, both testified against the bill. They were concerned that the water rights would be transferred to other uses than mining and that historic water rights that had been abandoned might be resurrected. Norm Semanko with the Idaho Water Users Association assured the committee that this could not happen. Water rights that have already been forfeited could not be restored under this legislation.

The bill was sent the floor with a do-pass recommendation on a party line vote with Republican committee members voting in favor and Democrat members voting against the bill.

\* \* \*

### **House Environment, Energy and Technology Committee, Week of February 11, 2008**

The House Environment, Energy and Technology Committee heard a presentation this week from climatologist Dr. Jennifer Pierce. She noted the Intergovernmental Panel on Climate Change’s findings about the recent exponential rise in carbon dioxide and methane and its conclusion that it is caused by humans.

The implications of the projected climate changes in Idaho include a change in the timing of spring snowmelt, increasing flood control issues, and changes in irrigation. The State is preceding on water management plans, but increasing the capacity of reservoirs poses difficulties in maintaining and protecting surrounding habitat.

Projections for Idaho forests are dire: increased fire risks, massive increases in insect outbreaks, and what Dr. Pierce noted as non-linear ecosystem responses to climate change – meaning forest fires have the potential to destroy trees that have developed over hundreds of years that could not continue to develop in the current climate. A new ecosystem will replace those forests destroyed by fire. Dr. Pierce noted that Central Idaho forests are especially vulnerable as these areas have less winter snowpack, and rainfall in the summer is negligible.

Also in this meeting, freshman Representative Susan Chew introduced a bill, co-sponsored by committee member Wendy Jaquet, for an integrated state energy plan to promote energy conservation and the development of renewable resources. The resolution commends state and private businesses and individuals who have made progress in energy conservation, emission reductions and improvements in air and water quality. The committee voted to send the resolution back to the sponsor for reworking.

Later in the week, the committee heard testimony on House Bill 482 from members of the Treasure Valley Air Quality Council. The bill addresses decreasing air quality, primarily in Ada and Canyon Counties, and will affect airsheds within all metropolitan areas in Idaho where air pollution exceeds 85% of federal limits for three consecutive years. The bill will establish rulemaking to provide the implementation of motor vehicle inspection and maintenance programs.

Due to a late start to the meeting, the committee elected to take testimony on this bill and postpone discussion and a vote until the following week.

\* \* \*

### **House Resource and Conservation Committee, February 13, 2008**

Paul Kjellander, Idaho Office of Energy Resources presented testimony on HB432. The bill would allocate the funds from new Federal geothermal leases. The Federal government sends 50% of the money to the State, which would allocate 10% to the county with the leased federal land and 90% to the Office of Energy Resources. Since this is new federal money, the 10% going to the counties would be new funds. The Office of Energy Resources would have to come back to the Legislature each year for authorization to spend the 90%. This would allow the office a steady income in addition to the grant money for which it can complete. After questions clarifying that this would not take existing money from the counties, the committee voted to send the bill to the House floor with a do-pass recommendation.

The next bill considered, HB433, would allow irrigation district who usually hold elections on the same day as the general election in the state to canvas the votes and announce the results anytime up to and including the Monday following the election. Right now they are required to do it on the Monday following the general election which in many years is Veterans Day, a federal holiday. The bill would allow them to do

announce results sooner so the districts would not have to pay overtime if there is a Monday holiday.

The committee heard a presentation on an additional piece of legislation dealing with water and irrigation, House Joint Memorial 8. The memorial supports the allocation of \$2 million from the State's general fund to study potential water storage sites. There is a demand for additional storage for irrigation, commercial and flood control use and for wildlife mitigation. Discussion revolved around four projects on the Boise River to raise existing dams or build a new dam. The U.S. Army Corps of Engineers has authorization to study these.

The Bureau of Reclamation is replacing the existing spillway at Minidoka Dam and the state can add a study on the feasibility of raising Minidoka to piggy-back on the studies being done by the Bureau. This would save money, costing only \$1.4 million. An additional \$400,000 could be used to study a dam in the area of Teton Dam but with a different location and configuration than Teton Dam, which collapsed in 1976. This memorial was approved and sent to the floor with a do-pass recommendation

#####

From the Idaho Council on Industry & the Environment (ICIE), a private, nonprofit organization whose mission is to facilitate the use of sound science and facts in shaping public policy on environmental issues.

Contact information:

Patricia Barclay  
Idaho Council on Industry and the Environment  
P.O. Box 255  
Boise, ID 83701  
Phone: 208-336-8508 \* Fax: 208-336-8663  
[patbarclay@icie.org](mailto:patbarclay@icie.org)